

ORIGINAL

For Commission Use Only:

Case:

06-0726

OFFICIAL FILE**ILLINOIS COMMERCE COMMISSION****FORMAL COMPLAINT**

2006 NOV 15 A 10:57

CHIEF CLERK'S OFFICE

Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

Regarding a complaint by (Person making the complaint):

KEN BURKLAND

Against (Utility name):

COMMONWEALTH EDISON COMPANY

As to (Reason for complaint)

UTILITY INSTALLED NON-COMPLIANT WITH USDA
CONSTRUCTION STANDARDS, CRIMINAL DAMAGE TO PROPERTY, TRESPASSING,
AND NON-COMPLIANCE WITH NATIONAL ELECTRICAL SAFETY CODE (NEC C2)
in CHICAGO, IL Illinois. SERVICE AREA

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is

6N347 OLD HOMESTEAD RD. ST. CHARLES, IL
60175

The service address that I am complaining about is

SAME

My home telephone is

(630) 584-4972

Between 8:30 A.M. and 5:00 P.M. weekdays. I can be reached at

(630) 840-3813(Full name of utility company) COMMONWEALTH EDISON COMPANY (respondent) is a public utility and is subject to the provisions of the Illinois Public Utilities Act.

In the space below, list the specific section of the law, Commission rule(s), or utility tariffs that you think is involved with your complaint.

1. NEC ASC C2-2002 SECTION 23 "CLEARANCES"2. USDA MECH. DESIGN MANUAL FOR OVERHEAD DISTRIBUTION LINES -
PART II, CHAPTER II-3 II-4, SECTION 53. KANE CO. ZONING PROVISIONS FOR MAHARD LAKE SUBDIVISION

Have you contacted the Consumer Services Division of the Illinois Commerce Commission about your complaint?

☒ Yes ☒ No

Has your complaint filed with that office been closed?

☐ Yes ☐ No

Please state your complaint briefly. Number each of the paragraphs. Please include time period and dollar amounts involved with your complaint. Use an extra sheet of paper if needed.

SEE ATTACHED PAGES

Please clearly state what you want the Commission to do in this case:

- ① RELOCATE THE SECONDARY UTILITY LINES UNDERGROUND OR
② ELEVATE TO GREATER THAN 15 FEET ABOVE SURFACE ELEVATION,
OR ③ ELIMINATE SPANS WITH INSTALLATION OF ADDITIONAL TRANSFORMERS

Date: NOV 1, 2006
(Month, day, year)

Complainant's Signature Kenneth R. Bourkland

If an attorney will represent you, please give the attorney's name, address, and telephone number.

You need to file the original with the Commission. Also, provide one copy for each utility complained about (referred to as respondents).

VERIFICATION

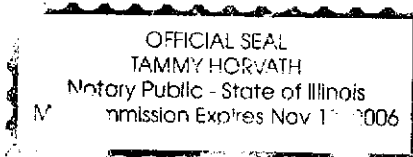
A notary public must witness the completion of this part of the form.

I, Kenneth R. Bourkland, first being duly sworn, say that I have read the above petition and know what it says.
The contents of this petition are true to the best of my knowledge.

(Signature) Kenneth R. Bourkland

Subscribed and sworn/affirmed to before me on (month, day, year) 11-2-2006

Tammy Horvath
Notary Public, Illinois



NOTE: Failure to answer all of the questions on this form may result in this form being returned without processing. If you have questions, please call the counselor in the Consumer Services Division that handled your informal complaint.

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November 6, 2006

K. Bourkland ICC Complaint.doc

1. June 5th, 1990. Thunderstorm squall lines pass through Kane County. Eighteen inch diameter limb from 32 inch diameter Oak tree falls across lines. Electrical power is out. Reported to ComEd. No response all day. No response during early, or late evening.
2. At 1:30 a.m. on June 6th, 1990, ComEd visited upon my property criminal damage to property when trees outside the easement, on the K. Bourkland side and the F. Muehlethaler side, as well as trees within the utility easement were clear cut; to the surface of the ground.
2. June 6th, 1990, 2:20 p.m. Line crews appear, 24 hours after the call-in, and repair storm damage. Line crew, two men, states, "none of this cutting was necessary. This event was not responsible for the outage"
2. Land survey to determine location of cut trees completed by Donahue and Thornhill, Geneva, IL, State of Illinois licensed land surveyors. 33 trees destroyed.
2. Fall 1990. After four months negotiations and ultimately media publicity, ComEd owns up to its part in this damage, all the while blaming their subcontractor Asplund Tree Service. Settlement check of \$6,585 issued for restoration work as valued by a ComEd recommended Arborist Consultant, Mr. Gary Watson, of the Morton Arboretum.
3. Spring 1991. The long sought restoration is accomplished with plantings of species recommended by the consultant and agreed to by ComEd. It will take years to recover what was once ours.
4. Subsequent periodic visits from Asplund for line clearing are met with contentious debate about cutting restoration plantings.
5. May, 2002. Research on subject finds that ComEd secondary lines are out of elevation compliance with the USDA Mechanical Design Manual for Overhead Distribution Lines and the National Electrical Safety Code - ASC C2-2002. The trees are not in their lines; their lines are too low and hang into the restoration tree plantings. Numerous calls are placed to, and finally a visit from, ComEd engineering department staff. Bourkland proposes several engineering solutions that allow secondary lines to be removed from the restoration area once and for all. *No action follows from ComEd.*
6. April, 2006. ComEd employee Paul Macelli notifies me via Registered U.S. Mail of intent to visit and line clear.
7. Macelli is immediately called and informed lines are out of compliance and negotiations are actively on-going with ComEd officials. Macelli indicates he is going though with plan to cut anyway, period!

2. 12

8. Complaint immediately filed with ICC based upon Macelli threat. ComEd responds the next day and tightens lines to *only* 12 feet elevation AGL (above ground level). While working on lines, line crew is informed by adjoining property owner Muehlethaler of requirement to raise lines to 15 feet AGL. Line crew ignores information and declines further dialogue with Muehlethaler

9. September, 2006, Paul Macelli and Asplund crew make blitzkrieg attack *without* prior notification, making criminal trespass in the process. Macelli and Asplund are caught in the act by Muehlethaler and Bourkland. Too late, the damage has been done once again on the restoration *approved* by ComEd; because their lines are too low.

10. Zoning provisions in this subdivision specifically allow for the housing and riding of horses. *Consequently, ComEd's utility lines in the entire Mallard Lake subdivision are out of compliance with USDA and NESC standard. It is probable that other subdivisions in the ComEd service are also out of compliance for the same reason.*